

CLAIM OF: CLINTON S. TOMASINO

650 Glen Iris Drive, #11 Atlanta, Georgia 30308

03- 12-0640

For vehicular damages alleged to have been sustained after driving over a metal plate that was improperly covering a sanitary sewer construction site on June 27, 2002 at West Peachtree Street, NE & 14th Street, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to CLINTON S. TOMASINO the sum of \$735.99 in full settlement and satisfaction of all claims, past, present and future, of every kind and character damages alleged to have been sustained as a result of vehicular damages alleged to have been sustained after driving over a metal plate that was improperly covering a sanitary sewer construction site on June 27, 2002 at West Peachtree Street, NE & 14th Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED:

LINDA K. DISANTIS
CITY ATTORNEY

BY:

JERRY L. DELOACH
DEPUTY CYTY ATTORNEY

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4 29 33

CHAIR:

CT. M.C.M.

MUNICIPAL CLERK ATLANTA, GEORGIA

03-R-0640

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to Clinton S. Tomasino in the sum of \$735.99 in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained after driving over a metal plate that was improperly covering a sanitary sewer construction site on June 27, 2002 at West Peachtree Street, NE & 14th Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 02L0486	\$	735.99	
IN CONSIDERATION of the sum of <u>SEV</u> to be paid by the CITY OF ATLANTA, the future my heirs, executors, administrators, and assigns, refrom any and all claims, demands, actions, causes or nature for or on account of anything that has vehicular incident which occurred West Peachtree Street, NE & 14 th Street, NE	receipt of which is hereby a elease and forever discharge of action, suits, damages, l heretofore occurred, and p	cknowledged, I do herebes aid City, its officers are loss and expenses, of who articularly for or on ac	nd employees, natsoever kind ecount of <u>a</u>
It is further understood and agreed that the admission on the part of the City, its officers, age undersigned further covenants and agrees to inderservants and employees, from any and all claims agents, servants and employees, may be called up	ents, servants or employee mnify and hold harmless the s, damages or costs which	s, of any liability whats ne City of Atlanta, its of the said City of Atlant	soever and the ficers, agents, a, its officers,
And I now state that the only consideration of the sum stated above; that no other promise or said City or its agents to cause me to sign this reinstrument. WITNESS my hand and seal this	agreement of any kind or n	nature has been made to erstand the meaning and	or with me by
	Clinton S. Tomasino	25.	(LS)
The above release was read and explained	to, and signed by the said	Clinton S. Tomas	(LS)
our presence on the date above written.	Leizanen Jarem Stall	WITNESSES	

ENCLOSED IS MY CLAIM FOR DAMAGES TO MY CAR ON 6/27/02 WHILE ORIVING TO A DOCTOR'S APPOINTMENT. I WILL BE OUT OF TOWN FOR THE MONTH OF JULY STARTING JUNE 30, 2002. I WOULD LIKE TO RESOUVE THIS MATTER A.S.A.P. GO I MAY HAVE A CAR TO DRIVE WHEN I RETURN. IF YOU NEED TO REACH ME OVER THE NEXT MONTH I WILL BE AT 215.428.9225 (MY MOTHER'S). AS YOU MIGHT SUSPECT THIS INCLUSENT HAS BROUGHT MUCH STREEG, ANXIETY & CHOAS TO MY LIFE HAVIND OCCURGO AT SUCH A BAD TIME. I HOPE THIS CLAIM WILL PROCEED WITHOUT THE SAME DIFFICULTY

SINUTERY,

CLIMON S TOMASINO.

Clas Jana

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SINEGETY,

CLINTON S TOMASINO.

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RE:	ME	RA)	MAC	ERK		An
Today's Da	te:	6	29	<i> 02</i>	_	
DATE		,	i	ľ		

COUNCIL OF THE CITY	OF	ATLANTA
MUNICIPAL CLERK		

City Hall		Today	's Date: <u>6 29</u>	102
55 Trinity Avenue, S.W.		DATE	1	1
Atlanta, Georgia 30335	ENTERED - 7	• • •		
Dear Municipal Clerk:	02L0486 - G	WEN BURNS	50	E OFO
Dear Municipal Clerk: This is to notify the City of Atlanta that I have suffer and/or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is to notify the City of Atlanta that I have suffer and/or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is the city of Atlanta that I have suffer and/or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is the city of Atlanta that I have suffer and or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is the city of Atlanta that I have suffer and or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is the city of Atlanta that I have suffer and or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is the city of Atlanta that I have suffer and or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for which is the city of Atlanta that I have suffer and or \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end{array} \) bodily injury for \$\(\begin{array}{c} - \\ \end	red damages in the which I contend th	amount sum of \$e City is liable.	735.99 BF	property
1. Date of incident: 6/27/02 (month/day/ year)				_
4. Location of incident (including street address):	INTERSECTIO	n of West	PEACHTREE A	ND 14th ST.
5. Name of your insurance company: <u>GEILC</u>			•	
6. State what and how incident occurred: W				
TOWARDS 14th 9t. WHEN	1 Crosset	o Threvubly	HE INTERSECT	LON 1 1440
TO DRIVE OVER A META	L PLATE.	IT WAS HA	LFNAY IN A	14 LANG &
NOT FLAT (FLIGH) DROVE PAN & RIPPED A HOLE !	E OVER U	r & THE EO	GE OF IT STR	uk my oil
7. ALL ESTIMATES AND DAMAGES ARE S RESULT IN YOUR CLAIM BEING DENIE	SUBJECT TO IN	SPECTION. THE	MAKING OF FALS	TOPPED. SE CLAIMS WIL
8. The registered owner must make the claim for proof of ownership of your vehicle (copy of the	vehicle damages, current tag receipt	complete the following or title).	ng and attach two (2) e	stimates of repair an
Your vehicle: (Make) 320i	1983 9	129 NEJ	CLINTON S	TOMASINO
` <i>1</i>	Year) (Ta	ag Number)	(Driver's Name)	
City vehicle:	C'.		(D) (1/D)	
.)	City Driver's Nam	e)	(Department/But	reau)
9. Witness: N/A. (Name) (A	Address)		(Telephone Num	ıber)
10. The acknowledgment of this claim in no v State law, nor is it an admission of liability on be	vay waives the sehalf of the City of	Sovereign immunity f Atlanta and/or its em	of the City of Atlandouse(s).	anta, as granted b
11. Claims <u>must</u> be received within 6 months of the	ne event.			
I HEREBY SWEAR OR AFFIRM THAT THE INFORMATION IS TRUE AND CORRECT.	ABOVE	CLINTON	S TOMAS Print Claimant's Name	1 // 0
Mattan			IRUS DR NI	
Signature of Clannant	-	830 0000	(Address)	- 11 11
L DIENE LINE:		ATLANTA	GA 3030	8

PLEASE NOTE:
I AM SUBMITTIM ONLY ONE
ESTIMATE BECAUSE MY CAR CURRENTLY IS UNDRIVABILITY TO THIS INCIDENT.

(City, State and Zip Code)

404.873.6730 (Work Number)

464.870.0903 (Home Number) OR 215.428.9225

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>02L0486</u>		Date: <u>April 17, 2003</u>				
Claimant /Victim CLINTON S. TOMASIN	NO					
BY: (Atty) (Ins. Co.)	.10					
Address: 650 Glen Iris Drive, NE, #11, Atla	nta Georgia 30308					
Subrogation: Claim for Property damage	e·\$ 735.99	Bodily Injury \$				
Date of Notice: 7/2/02 Method Conforms to Notice: O.C.G.A. §36-33-5 Date of Occurrence 6/27/02 Department WATERSHED MANAGEMEN	: Written. Proper	X Impi	roper			
Conforms to Notice: O.C.G.A. §36-33-5	X Ant	te Litem (6 Mo.)	X			
Date of Occurrence 6/27/02	Place: West Peacht	ree Street & 14 th Stree	t. NE			
Department WATERSHED MANAGEMEN	NT Division	Sewer Operations				
Employee involved Discip	olinary Action:		15.50 Prof. of			
NATURE OF CLAIM: Claimant sustained	vehicular damage wh	<u>ien he drove over a n</u>	netal plate that was			
improperly covering a sanitary sewer construction	n site in the roadway.					
INVESTIGATION:						
INVESTIGATION.						
Statements: City employee X Claimant	Others	Written	Oral X			
Pictures Diagrams Reports: I	Police Dent	Report	Other X			
Traffic citations issued: City Driver	Claimant Dri	ver				
Citation disposition: City Driver	Claimant Driv	er				
			, , , , , , , , , , , , , , , , , , , ,			
BASIS OF RECOMMENDATION:						
Function: Governmental	Ministerial	X				
Improper Notice More than Six Montl	hs Other	Damages reaso	onable X			
Function: Governmental More than Six Montl City not involved Offer	rejected	Compromise settleme	nt			
Repair/replacement by Ins. Co. Claimant Negligent City Negligent	Repair/replac	ement by City Forces				
Claimant Negligent City Negligent	X Joint	Claim Abando	ned			
	D 4C 11	. 1				
	Respectium	y submitted,				
			12			
	111	ilalliolon k	222			
	MVESTIG	ATOR - GWENDOL	YN BURNS			
RECOMMENDATION:	V					
)					
	harged: 1A01	2J01X2P01	2H01			
Claims Manager:	Concur/	date <u>54-1703</u>	-12-			
Committee Action:	Council Action	on				
FORM 23-61						

MUNICIPAL CLERK ATLANTA, GEORGIA

03-R-0640

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

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ADOPTED by the City Council
APPROVED by the Mayor

May 5, 2003 May 13, 2003

Deputy Clerk

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-15: Except 03-R-0616; 03-O-0672 03-R-0629; 03-O-0449 ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith NV Archibong Y Moore Y Mitchell Y Starnes Y Fauver Y Martin NV Norwood NV Young Y Shook Y Maddox Y Willis Y Winslow Y Muller Y Boazman NV Woolard

FULL COUNCIL MEETING 5/05/03 Items Adopted on the Consent Agenda 1. 03-O-0654 36. 03-R-0624 37. 03-R-0625 2. 03-O-0657 3. 03-O-0664 38. 03-R-0626 4. 03-O-0673 39. 03-R-0606 40. 03-R-0609 5. 03-O-0674 41. 03-R-0610 6. 03-O-0675 7. 03-O-0676 42. 03-R-0611 8. 03-O-0548 43. 03-R-0612 9. 03-0-0666 44. 03-R-0613 45. 03-R-0614 10. 03-O-0652 11. 03-O-0107 46. 03-R-0615 12. 03-O-0495 47. 03-R-0630 48. 03-R-0659 13. 03-O-0540 14. 03-O-0567 49. 03-R-0694 15. 03-O-0568 50. 03-R-0627 51. 03-R-0635 16. 03-O-0573 52. 03-R-0636 17. 03-O-0594 53. 03-R-0637 18. 03-O-0661 19. 02-O-0680 54. 03-R-0638 55.03-R-0639 20. 03-O-0435 56.03-R-0640 21. 03-O-0547 22. 03-R-0596 57. 03-R-0645 23. 03-R-0597 24. 03-R-0599 25. 03-R-0603 26. 03-R-0604

27. 03-R-0605 28. 03-R-0607 29. 03-R-0366 30.03-R-0618 31.03-R-0619 32. 03-R-0620 33. 03-R-0621 34. 03-R-0622 35. 03-R-0623

Items Adversed on the Consent Agenda

58. 03-R-0641 59.03-R-0642 60.03-R-0643 61.03-R-0644 62.03-R-0646

12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays Consent I Vote: (See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))